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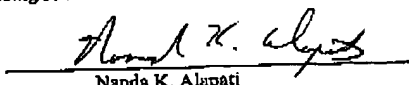
OCT 21 2005

U.S. Serial No. 10/814,277

## CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this correspondence is being sent to the central facsimile number, 571-273-8300, for patent application related correspondence on October 21, 2005.

3 Pages

  
Nanda K. Alapati

IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 10/814,277	Confirmation No. 8479
Application of: Eisen, et al.	Group Art Unit: 3722
Filing Date: April 1, 2004	Examiner: Fridie Jr., Willmon
Title: Cutting Tool with Edge-On Mounted Inserts	Docket No. I084 1321 Customer No. 26158

Transmittal of Terminal Disclaimer

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the office action mailed October 5, 2005, all claims were rejected for non-statutory obviousness-type double patenting with the Examiner asserting that the pending claims were not patentably distinct from claims in commonly owned U.S. Patent No. 6,733,213. Applicant disagrees with the Examiner's assertion. Nevertheless, to expedite issuance, a Terminal Disclaimer under 37 CFR 1.321(c) is being concurrently submitted.

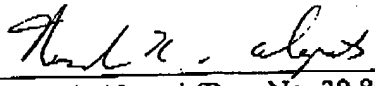
Respectfully submitted,

Date: October 21, 2005

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Nanda K. Alapati (Reg. No. 39,893)  
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Atlanta, GA 30357-0037  
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WCSR Form (12-04)

Effective on 12/8/2004. Fees pursuant to the consolidated Appropriations Act, 2005 (H.R. 4918)				<b>Complete If Known</b>	
<b>FEE TRANSMITTAL for FY 2005</b>				Application Number	
				10/814,277	
				Filing Date	
				April 1, 2004	
				First Named Inventor	
		Eisen, et al.			
Examiner Name		Fridie Jr., Willmon			
Group Art Unit		3722			
New Attorney Docket No.		1084 1321			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					
TOTAL AMOUNT OF PAYMENT		(\$) 130.00			
<b>METHOD OF PAYMENT (check all that apply)</b>					
<input checked="" type="checkbox"/> Deposit Account		Deposit Account Number <b>09-0528</b>		Deposit Account Name <b>Womble Carlyle Sandridge &amp; Rice</b> P.O. Box 7037 Atlanta, GA 30367-0037	
The Commissioner is hereby authorized to: (check all that apply)					
<input checked="" type="checkbox"/> Charge fee(s) indicated below		<input checked="" type="checkbox"/> Charge fee(s) indicated below, except for the filing fee			
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17		<input checked="" type="checkbox"/> Credit any overpayments			
<b>FEE CALCULATION</b>					
<b>4. OTHER FEE(S)</b>					
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting Publication Of Sir After Examiner Action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	500	2452	250	Petition to revive - unrevivable	
1453	1,500	2453	750	Petition to revive - unintentional	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
				130.00	
Other fee (specify) Terminal Disclaimer Fee				Total: (\$) 130.00	
*Reduced by Basic Filing Fee Paid					
<b>SUBMITTED BY</b>					
Name (Print/Type)		Registration No.		Telephone	
Nanda K. Alapati		39,893		703-394-2218	
Signature		Date		October 21, 2005	

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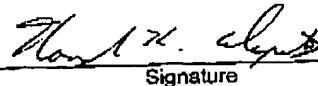
OCT 21 2005

PTO/SB/26 (09-04)

Approved for use through 07/31/2008. OMB 0661-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT</b>		<b>Docket Number (Optional)</b> 1084 1321	
In re Application of: Eisen, et al.			
Application No.: 10/814,277			
Filed: April 1, 2004			
For: Cutting Tool with Edge-On Mounted Inserts			
<p>The owner, <u>Iscar Ltd.</u>, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of <u>prior Patent No. 6,733,213</u> as the terms of said prior patent are defined in 35 U.S.C. 154 and 173, and as the terms of said prior patent are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> <li>expires for failure to pay a maintenance fee;</li> <li>is held unenforceable;</li> <li>is found invalid by a court of competent jurisdiction;</li> <li>is statutorily disclaimed in whole or terminally disclaimed under 37 cfr 1.321;</li> <li>has all claims canceled by a reexamination certificate;</li> <li>is reissued; or</li> <li>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li> </ul>			
Check either box 1 or 2 below, if appropriate.			
<p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>			
<p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. 39,893</p> <p style="text-align: center;">         Signature     </p> <p style="text-align: right;">October 21, 2005 Date</p> <p>Womble Carlyle Sandridge &amp; Rice P.O. Box 7037 Atlanta, GA 30357-0037</p> <p style="text-align: right;">Nanda K. Alapati Typed or printed name Telephone Number: 703-394-2216</p>			
<p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p>			

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